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[40128/01601]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald TREMBLAY
Serial No. : 09/974,513
Filed : October 11, 2001
For : SEMI-AUTOMATIC JAR OPENER
Group Art Unit : 3723
Examiner : Debra S. Meislin

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DEC 09 2004

OFFICE OF PETITIONS

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the USPTO. The date of abandonment is the day after the expiration of the period set for reply in the USPTO notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Applicant has enclosed herewith a Request for Continued Examination (RCE) in response to the Final Office Action mailed November 15, 2002 along with the requisite fee of \$385.00. In addition, the Petition fee of \$665.00 is enclosed herewith.

Since this application was filed after June 8, 1995, no Terminal Disclaimer is required.

The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. During the period

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between the expiration of the reply period for the Final Office Action to the present, Applicant did not intend to abandon this application. Applicant is a Canadian inventor who had initially filed and prosecuted this application pro se. Subsequent to the Final Office Action, Applicant retained a Canadian counsel who in turn retained the current U.S. counsel for representation in this matter.

Respectfully submitted,

Dated:

11/30/04

By: 

Oleg F. Kaplun (Reg. No. 45,559)

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